

REMARKS/ARGUMENTS

On May 15, 2006 the Applicant responded to an Office Action mailed November 15, 2005. However, the Applicant has received two Notices of Noncompliant Amendment dated May 9, 2006 and October 3, 2006. Applicant believes that the present AMENDMENT, RESPONSE TO OFFICE ACTION AND RESPONSE TO NOTICE OF NONCOMPLIANT AMENDMENT overcomes the objections raised in the two Notices of Noncompliant Amendment. Accordingly the Applicant respectfully requests that the present AMENDMENT, RESPONSE TO OFFICE ACTION AND RESPONSE TO NOTICE OF NONCOMPLIANT AMENDMENT be substituted for the Amendment and Response to Office Action mailed May 15, 2006. Reconsideration in view of these amendments and remarks is respectfully requested.

Claim 1 has been canceled, without prejudice or disclaimer of the subject matter contained therein.

New claim 17 has been added to particularly point out and distinctly claim subject matter regarded as the invention. Support for the claim may be found, e.g., in Claim 1.

Amendments to the Drawings

The Applicant has amended Figures 1-4 to translate the text, which was in French, into English.

35 U.S.C. § 112, Second Paragraph Rejection

In paragraph 3 of the Office action the Examiner rejected Claims 1-11 as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The examiner stated, "As per claim 1, this claim is narrative in form and replete with indefinite and functional or operational language. . . . All claims that depend from independent claim 1, (Claims 2-11) are rejected for the same reasons as discussed above."

The Applicant has canceled Claim 1 and substituted new Claim 17 which is believed to satisfy the requirements of 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 USC § 101

In paragraph 4 of the Office Action the examiner rejected Claims 12-16 under 35 U.S.C. 101 allegedly, “because the disclosed invention is inoperative and therefore lacks utility.” The examiner explained the rejection as follows:

As per claim 12, this claim recites "A voucher for the payment of parking charges, characterized in that it includes two parts, the first forming a sticker comprising an optical code, the second containing a secret code". However, these two parts merely describe data that is non-functional descriptive data, which makes it difficult for the examiner to determine the operability, and therefore the usefulness of the invention. For this reason, claim 12, and all claims that depend from it (claims 13-16) are inoperative.

The Applicant respectfully traverses this rejection. MPEP §2164.07 provides:

“B. Burden on the Examiner

When the examiner concludes that an application is describing an invention that is nonuseful, inoperative, or contradicts known scientific principles, the burden is on the examiner to provide a reasonable basis to support this conclusion. Rejections based on 35 U.S.C. 112, first paragraph and 35 U.S.C. 101 should be made.

Examiner Has Initial Burden To Show That One of Ordinary Skill in the Art Would Reasonably Doubt the Asserted Utility

The examiner has the initial burden of challenging an asserted utility. Only after the examiner has provided evidence showing that one of ordinary skill in the art would reasonably doubt the asserted utility does the burden shift to the applicant to provide rebuttal evidence sufficient to convince one of ordinary skill in the art of the invention’s asserted utility.” (MPEP §2164.07)

Regarding the present Claim 12 the examiner has provided no evidence showing that one of ordinary skill in the art would reasonably doubt the asserted utility of the claimed voucher. Therefore rejection under 35 U.S.C. 101 is not proper.

Furthermore, the examiner argues that the two parts of the claimed voucher, “merely describe data that is non-functional descriptive data.” The Applicant disagrees. However, even if the examiner were correct, the claims which are dependent from Claim 12 speak of the optical code and the secret

code in specific and concrete terms. For example, Claim 13 concerns a bar code which is certainly not merely “non-functional, descriptive data.”

First 35 U.S.C. § 103 Rejection

In paragraph 6 of the Office Action the examiner rejected Claims 1-4, 6, 9-11, 13, and 14 under 35 U.S.C. 103(a) as being unpatentable over Ilen (US 5,905,247), and further in view of Bezin et al (US 4,982,070). The Applicant respectfully traverses this ground for rejection.

In explaining his rejection the examiner stated at page 5 of the Office Action,

In the instant case, Ilen does not specifically disclose the actual process of subscribing by completing a subscription form, or receiving an ID in the form of a sticker comprising an optical code, and a secret hidden code, however, as described above in the rejection, the user is shown to be a subscriber, and that, subscriber information is maintained in a database at the parking fee register in Col. 5, lines 16-18, which implies that the subscriber filled out some type of form or questionnaire to get subscriber information in the database.

The applicant agrees with the examiner that Ilen does not disclose the applicant's claimed process in which the user goes to an approved point to subscribe to a virtual pay and display service. However, the applicant disagrees with the examiner's contention that in Ilen, “subscriber information is maintained in a database at the parking fee register in Col. 5, lines 16-18, which implies that the subscriber filled out some type of form or questionnaire to get subscriber information in the database.” Rather, Ilen merely discloses that certain data is maintained in a database. The data could have been generated not by the user going to an approve point but in other ways, e.g. the user could have entered data via a computer connected to the internet, in which case the user would not have received an ID at the approved point, as claimed.

Furthermore, Applicant's Claim 17 recites that the user provides particulars of the user's bank. On the other hand this is not taught or suggested by Ilen, as admitted by the examiner on page 6 of the Office Action. On the contrary, in Ilen's system the user's telephone number is billed (Col. 5, lines 26-30). The examiner indicates that this deficiency in Ilen is remedied by the teachings of Bezin. However, the Applicant respectfully disagrees.

Specifically, on page 6 of the Office Action the examiner states, “However, Bezin et al discloses: where he provides particulars of bank account, (Col. 3, lines 5-14, shows that the driver buys a card” However, the Examiner has incorrectly characterized Bezin. In fact, Bezin at Col 3, lines 5-14 teaches that the driver buys a card 10 from the organization managing the parking space. In other words, the driver apparently pays cash to a parking attendant or to a machine located at the organization managing the parking space. This is entirely different from a user providing particulars of the user’s bank account according to Claim 17.

Furthermore, it would not be obvious to combine the teachings of Ilen with the teachings of Bezin as the examiner proposes. Bezin concerns managing parking at a set of parking spaces (i.e. a parking garage) disposed in the vicinity of Bezin’s parking terminal 20 (Col. 3, l 29-33). On the other hand, Ilen does not concern a specified set of parking spaces or a parking garage but rather parking anywhere on the street. Furthermore, Bezin concerns a parking terminal 20 with magnetic card reader 26 which reads a card 10. On the other hand, in Ilen there is no such parking terminal 20 or magnetic card reader 26 or card 10. Ilen’s system would be totally incompatible with Bezin’s card 10. Accordingly a skilled worker would not find it obvious to combine the teachings of Ilen with those of Bezin.

Moreover, Applicant’s Claim 17 recites that the user receives an ID in two parts. However, Ilen does not teach or suggest such a two-part ID. In fact Ilen does not teach any system similar to Applicants’ claimed two-part ID.

Second 35 U.S.C. § 103 Rejection

In paragraph 7 of the Office Action the examiner rejected Claims 5, 7, 8, 12, 15 and 16 under 35 U.S.C, 103(a) as being unpatentable over Ilen (US 5,905,247), and further in view of Bezin et al (US 4,982,070), and further in view of Fulcher et al (US 6,505,774).

In explaining his rejection the examiner stated,

As per claims 5, 12 Ilen discloses: two parts, the first (21) forming the sticker, the second (22) containing the secret code, (Col. 3, lines 57-63, discloses that the vehicle code is indicated on a sticker and shows the entry of the vehicle code and the personal code [secret code]).

The Applicant respectfully disagrees.

The Applicant notes that Ilen does not teach an item with a first part 21 and a second part 22. However, the Applicant assumes that the examiner is referring to Ilen's sticker T which includes vehicle code 10 and bar code 18. However, Ilen's sticker T is entirely different from Applicant's claimed voucher having a secret code. Ilen's sticker T includes the vehicle code 10 as indicated in numbers and also the vehicle code indicated by bar code. (Col 5, l. 65 through Col. 6, l.8). Ilen's sticker T does not include a secret code. In fact since Ilen's sticker T is displayed on the windscreen it would be illogical to include a secret code thereon.

The examiner states, "(Col. 3, lines 57-63, discloses that the vehicle code is indicated on a sticker and shows the entry of the vehicle code and the personal code [secret code])." However, Ilen does not teach or suggest Applicant's claimed voucher having two parts, a sticker with an optical code and a second part with a secret code (as claimed in Claim 13) or Applicant's claimed ID which includes a sticker with a portion having an optical code and a portion having a secret code (as claimed in Claim 17). Col. 3, lines 57-63 of Ilen merely teach the entry of certain data, not applicant's claimed voucher or ID.

Furthermore, neither of the other references cited by the examiner, Bezin or Fulcher, teaches or suggests Applicant's claimed ID or voucher. Accordingly, Applicant's claims are not obvious in view of the cited references.

Conclusion

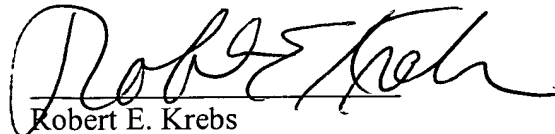
It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,
THELEN REID & PRIEST, LLP

Dated: Nov. 7, 2006

A handwritten signature in black ink, appearing to read "Robert E. Krebs", written over a horizontal line.

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Amendments to the Drawings:

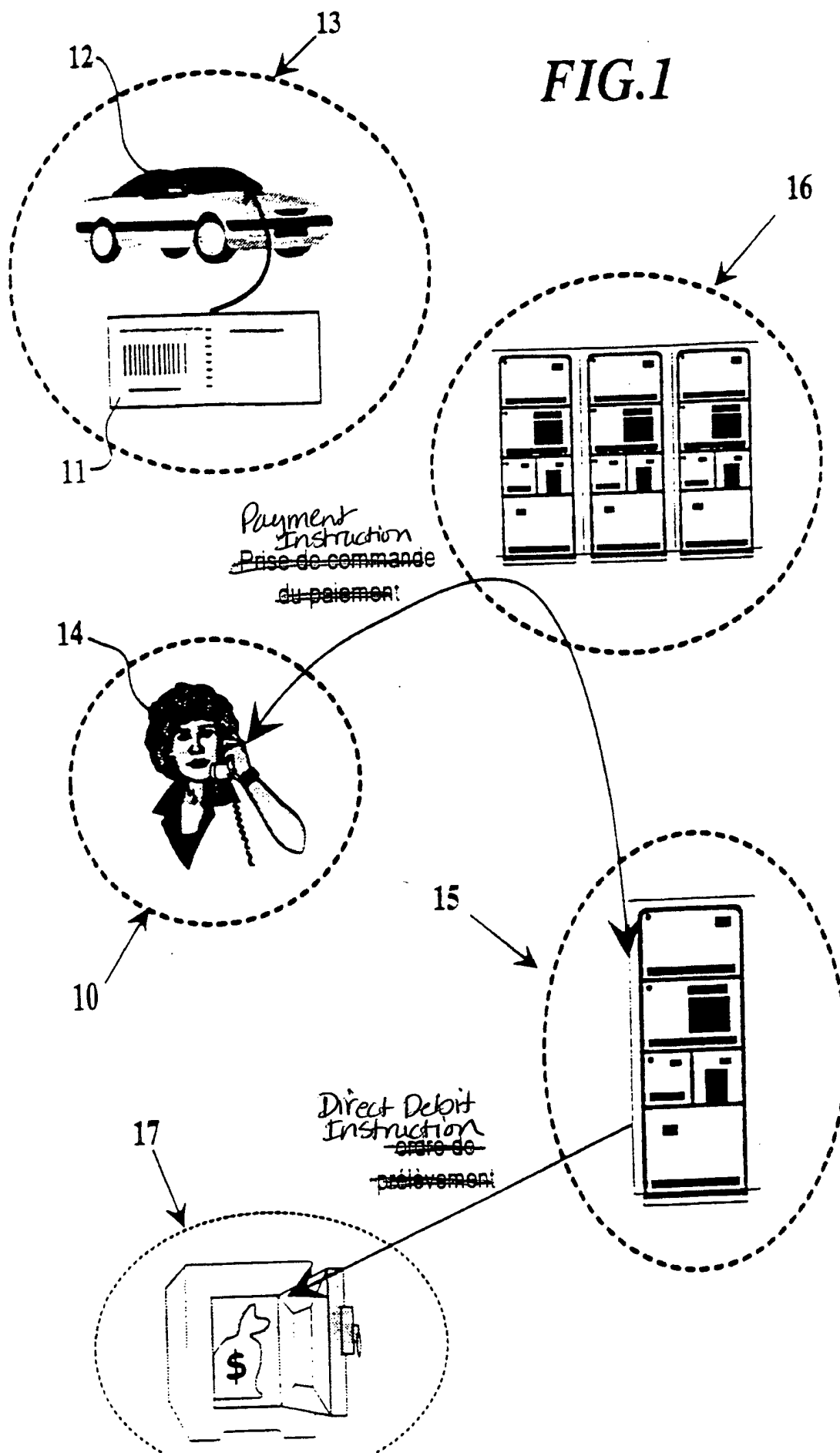
The attached replacement and annotated sheets of drawings include changes to FIGS. 1-4 as follows.

FIGS. 1-4 have been amended to include text in English.

Attachment: Replacement Sheets 1/4, 2/4, 3/4, and 4/4.
Annotated Sheets Showing Changes



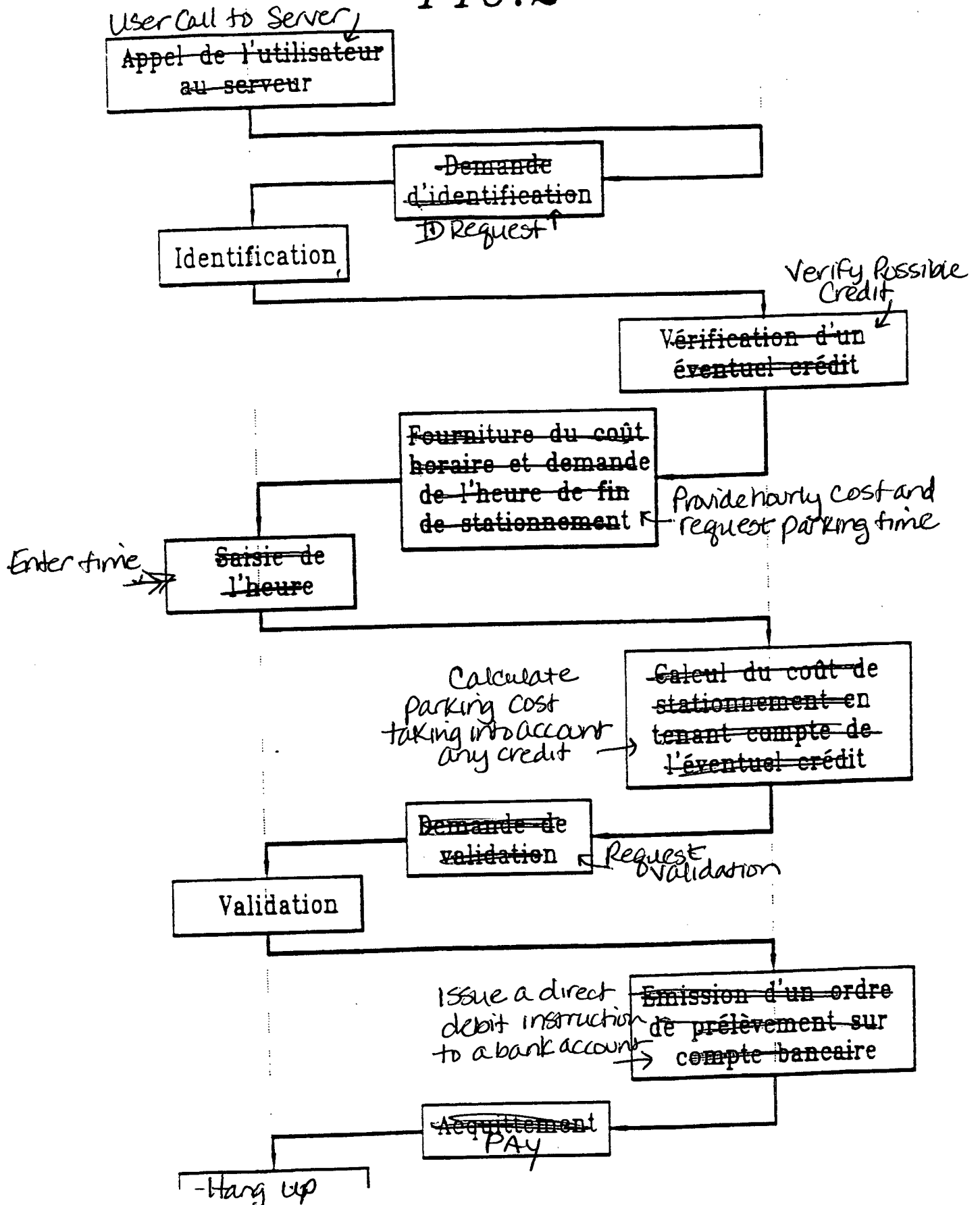
FIG.1



User UTILISATEUR

SERVEUR Telephone
TELEPHONIQUE Server

FIG. 2



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FIG.4

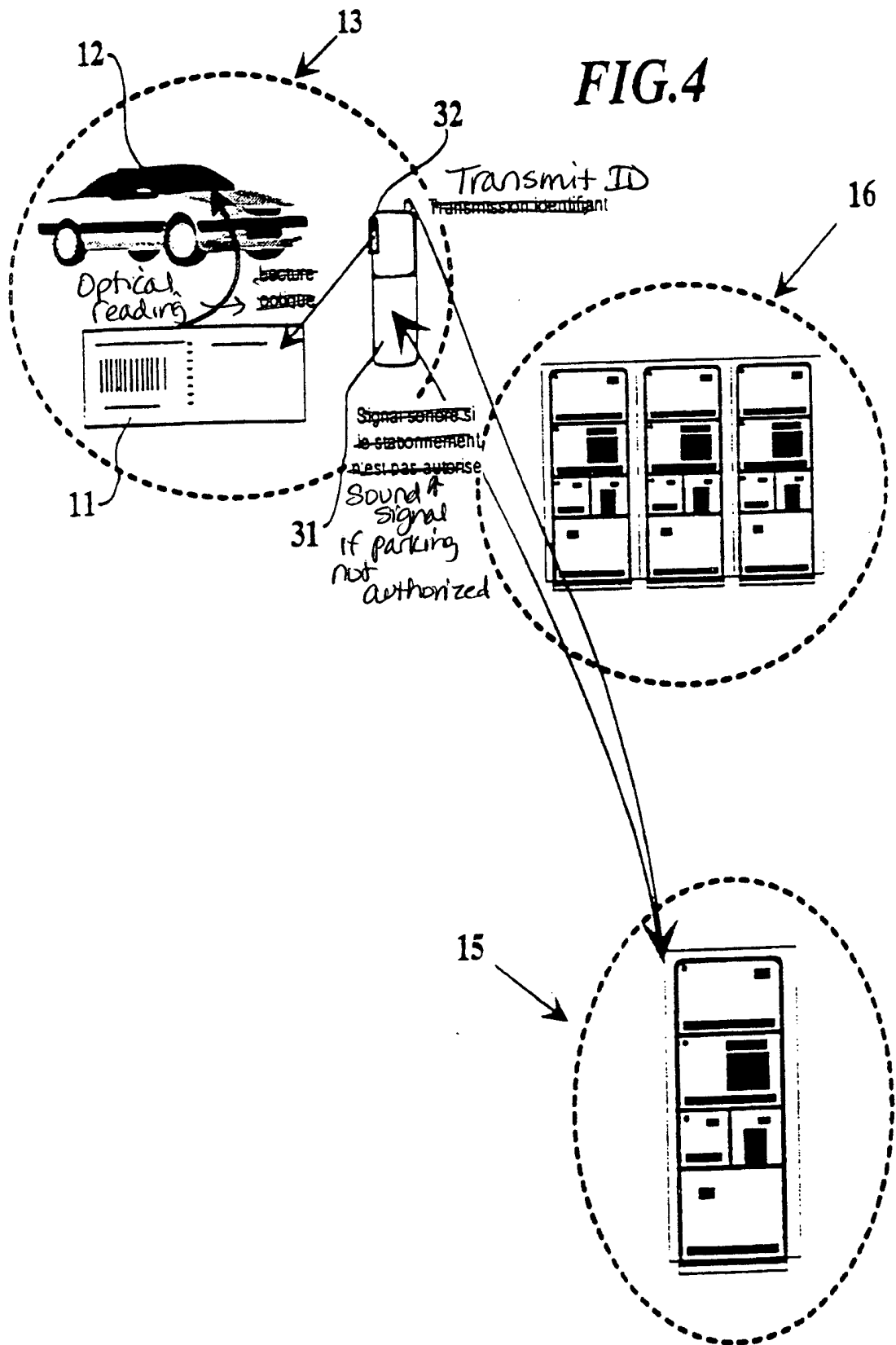


FIG.3

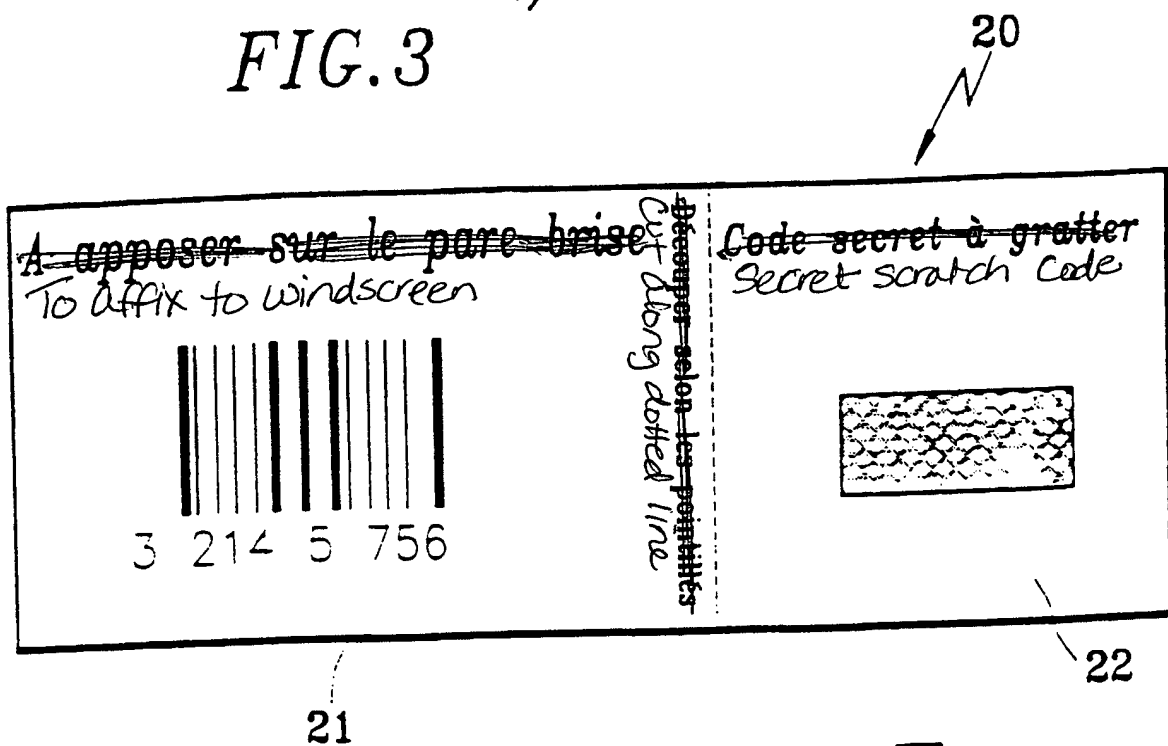


FIG.5

